

REMARKS/ARGUMENTS

Claims 1-14, 16, 35-49, 51-67, and 69-71 are pending in the application. Each issue raised in the Office Action mailed November 24, 2009 is addressed hereinafter. The present response amends Claims 1, 2, 19-33, 35-37, 54, and 55. The amendments to the claims do not add new matter and have been made solely to improve the form of the claims and not to overcome any alleged prior art rejection. With regards to Claims 20-33 and 35, applicants understand that the Office has examined the case under 35 U.S.C. § 112 and determined that the amendment does not constitute new matter.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1-12, 16-31, 35-47, 51-66 and 69-71 currently stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Publication No. 2004/0250139 A1 (“Kumhyr”) in view of U.S. Patent No. 6,944,761 (“Wood”) in further view of U.S. Patent No. 6,826,692 (“White”). This rejection is respectfully traversed.

The Combination of Kumhyr and Wood Fails To Teach Or Suggest “if the password does not meet the quality criteria granting a different level of access than if the password meets the quality criteria.”

Claim 1 recites in part, with emphasis added:

if the password meets the quality criteria, granting to the user a first level of access to the service, wherein the granting of the first level of access to the service is dependant on the password exceeding a quality criteria threshold;

if the password does not meet the quality criteria, granting to the user a different level of access to the service than if the password meets the quality criteria;

Page 4 of the Office Action acknowledges that Kumhyr fails to teach or suggest this aspect of Claim 1. Kumhyr generally teaches a method of presenting to a user an indication of password strength and password variety in the context of the user creating a new password or changing an old password. *See e.g.* Kumhyr at Figure 2. Therefore, not only does Kumhyr not teach granting different levels of access, Kumhyr does not even teach granting a single level of access as the determination of strength is not performed when “the user attempts to access a service” as recited in Claim 1, but instead, the determination is made when choosing a password.

The Office Action asserts that Wood cures the deficiencies of Kumhyr. While Wood generally teaches the concept of assigning different trust levels to users, the assignment of the different trust levels is not based on whether or not the password meets quality criteria, and in fact, the assignment of the trust levels is not even tied to the username/password combination. Thus, to the extent the trust levels in Wood might teach or suggest the level of access in Claim 1, Wood still explicitly teaches away from Claim 1. One of the points of novelty in Wood is that it is a “single sign-on” system, and a user’s trust level can be upgraded without requiring an additional log-in if the user accesses resources that require a different trust level. *See e.g.* abstract; 2:37-65; 4:4-15. Therefore, the different trust levels disclosed in Wood can be accessed with the same password, making those different trust levels clearly not dependent on the password meeting quality criteria as explicitly recited in Claim 1.

It is clear from the Response to Arguments section on Page 2 that the Office Action is ignoring important nuances of Claim 1. For example, Page 2 states Wood teaches different

levels of trust “based on the authentication credentials” and “[s]ince the password is part of the credentials which are used to grant varying levels of trust, it is respectfully asserted that the password is tied to the trust level and therefore to the different level of access.” The Office Action is reducing this element of Claim 1 down to a broad concept of just any correlation between a password and granting access. The specific claim language of Claim 1, however, recites “if the password meets the quality criteria. . .” and “if the password does not meet the quality criteria . . .” which are not taught or suggested by Wood or the other cited art.

Similarly, Page 5 of the Office Action in rejecting Claim 2 states, “Wood teaches granting different levels of trust level based on the authentication information” Even assuming for the sake of argument this is an accurate representation of what Wood teaches, this teaching is still not enough to render obvious Claim 1 as amended because Claim 1 does not merely recited granting a particular trust level “based on” authentication information, which could be any possible type of relationship. The language of Claim 1, instead, specifically recites granting access conditional on “if the password does not meet the quality criteria” and “if the password meets the quality criteria.”

Neither Kumhyr nor Wood teach or suggest making access to a resource in any way dependent on a password meeting quality criteria, and therefore do not teach or suggest granting different levels of access dependent on whether or not the password meets quality criteria. As a result, in addition to not teaching or disclosing the above aspect of Claim 1, Wood does not teach or suggest a way of modifying Kumhyr that would lead an ordinary skilled artisan to the method of Claim 1. As neither Wood nor Kumhyr individually teach or suggest making a level of access dependent on a password meeting a quality criteria, the mere fact that Wood teaches multiple

trust levels would not lead an ordinary skilled artisan to “granting a different level of access” dependant on whether or not a password meets quality criteria.

White fails to teach or suggest “determining whether the password meets quality criteria comprises determining whether the password meets quality criteria for the particular user role.”

Claim 1 recites in part, with emphasis added: “wherein the user is associated with a particular user role, and wherein **determining whether the password meets quality criteria comprises determining whether the password meets quality criteria for the particular user role.**” Page 4 of the Office Action acknowledges that Wood and Kumhyr fail to teach or disclose this aspect of Claim 1 but asserts that White cures the deficiencies of Wood and Kumhyr. White, however, teaches a concept clearly distinct from this portion of Claim 1. White discloses using a username/password combination to determine a role for a user by comparing the username/password combination to entries in a database. *See e.g.* White at Abstract. Page 4 of the Office Action states “[i]t would have been obvious to add this functionality to the system of Wood-Kumhyr to allow a user logged onto the network to access an assortment of network services based on the user’s role,” but this is a mischaracterization of what is recited in Claim 1. The cited portion of Claim 1 is not related to determining a role for a user but is instead related to using a user role to determine if a password meets quality criteria.

As White does not even teach or suggest determining “whether the password meets quality criteria, ” White logically also cannot teach or suggest “wherein determining whether the password meets quality criteria comprises determining whether the password meets quality criteria for the particular user role.”

For at least all the reasons discussed, the combination of Kumhyr, Wood, and White does not teach or suggest multiple aspects of Claim 1, and for the at least all the same reasons does not teach multiple aspects of Claims 19, 20, 36, and 54.

The pending claims not discussed so far are dependant claims that depend on an independent claim discussed above or are independent claims containing limitations substantially similar to those discussed above. As each dependant claim includes the limitations of the claims upon which they depend, the dependant claims are patentable for at least the same reasons as the claims upon which they depend. In addition, the dependent claims introduce additional limitations that independently render them patentable, but due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

Accordingly, Applicants respectfully request that the rejection of Claims 1-12, 16-31, 35-47, 51-66 and 69-71 under 35 U.S.C. § 103(a) be withdrawn.

Claims 13, 14, 32, 33, 48, 66, and 67

Claims 13, 32, 48 and 66 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kumhyr in view of Wood in further view of White in further view of U.S. Publication No. 2004/0250139 A1 ("Hurley"). Claims 14, 33 and 67 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kumhyr in view of Wood in further view of White in further view of U.S. Publication No. 2004/0250141 A1 ("Casco-Arias"). These rejections are respectfully traversed.

Claims 13, 14, 32, 33, 48, 66, and 67 depend from claims discussed above. As each dependant claim includes the limitations of the claims upon which they depend, the dependant claims are patentable for at least the same reasons as the claims upon which they depend. In

addition, the dependent claims introduce additional limitations that independently render them patentable, but due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

Accordingly, Applicants respectfully request that the rejections of Claims 13, 14, 32, 33, 48, 66, and 67 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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